

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

American Dairy Queen Corporation,

Plaintiff,

Civ. No. 11-358 (RHK/TNL)
ORDER

v.

Guy A. Blume, *et al.*,

Defendants.

This matter is before the Court on Magistrate Judge Leung's August 6, 2012 Report and Recommendation (R&R) (Doc. No. 153), recommending that Defendant Guy A. Blume be ordered to appear before the undersigned and show cause why he should not be adjudged (1) in contempt of a July 14, 2011 Order (Doc. No. 61) prohibiting him from contacting the Magistrate Judge's chambers by e-mail, and (2) to have violated Federal Rule of Civil Procedure 11 by making several assertions lacking evidentiary support. Blume has filed Objections to the R&R (Doc. No. 162), to which Plaintiff has responded (Doc. No. 169).

The Court has carefully reviewed Blume's Objections, see 28 U.S.C. § 636(b); Fed. R. Civ. P. 72; D. Minn. LR 72.2(a), and finds them wholly devoid of merit. Indeed, they re-hash the same tired arguments that repeatedly have been rejected by the undersigned and Judge Leung, including the Court's so-called "bias," the Clerk of the Court's ostensible "failure" to file documents supposedly mailed by Blume, and his

“inconvenience” in having to litigate in Minnesota. Accordingly, all of Blume’s Objections are overruled.

Moreover, based on the facts recited in the R&R, the Court agrees with the Magistrate Judge that Blume has repeatedly flouted Court Orders. Nevertheless, the Court does not believe it necessary to hold a hearing to determine whether Blume is in contempt of Court *at this time*. This is because the Court agrees with the Magistrate Judge, for all of the reasons stated in the R&R, that Blume also has transgressed Rule 11. Sanctions imposed under that rule to punish his transgressions and deter him from future misconduct should be sufficient at this juncture.

Blume should not construe this Order, however, as countenancing his misconduct. Indeed, **Blume is warned in the strongest possible terms that continued violation of Court Orders or other misconduct WILL result in the imposition of additional sanctions and may result in the Court undertaking contempt proceedings against him, should circumstances warrant.**

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Blume’s Objections (Doc. No. 162) are **OVERRULED**, and the Report and Recommendation (Doc. No. 153) is **ADOPTED** insofar as it concludes that Blume has violated Rule 11. This matter is **REMANDED** to Magistrate Judge Leung to determine an appropriate sanction to be imposed under Rule 11 for Blume’s misconduct.

Date: September 7, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge